GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVANTS – Late Smt.D.Bharathi, former C.D.P.O., ICDS Project, Karvetinagar, Chittoor – Retired from service on 31-12-2012 - Indulged in certain financial and administrative irregularities – Expired on 08-03-2013 - Charges abated - Recovery of an amount of Rs.2,66,768/- towards recovery of mis – appropriated Government funds from the terminal benefits under Rule – 9 (7) (a) of A.P.Revised Pension Rules, 1980 read with G.O.Ms.No.995, Finance (Pen.) Department, dated 21-02-2002 – Orders – Issued.

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DEPT. FOR WOMEN, CHILDREN, DIFFERENTLY ABLED & Sr. CITIZENS [ESTT. – A3]

G.O.RT.No. 205 Dated: 16-12-2016

Read the following:-

01. Preliminary enquiry report of R.D.D., W.D & C.W., Kurnool, Lr.No.655/A/2003, dated 05-09-2003.
02. Director, W.D & C.W., A.P., Rc.No.6131/Vig.1/03, dt.18-11-2003.
03. Written Statement of Defense dated 06-12-2003 submitted by the Charged Officer
04. Director, W.D & C.W., A.P., Rc.No.6131/Vig.1/2003, dt.02-12-2010.
05. Enquiry report submitted by the Enquiry Officer dt.02-12-2010.
06. Commissioner, W.D & C.W., A.P., Show Cause Notice No.6131/Vig.2/2003, dated 10-12-2012.
07. Further written explanation dated 30-12-2012 submitted by the C.O.
08. From the Director, W.D & C.W., A.P., Lr.No.6131/Vig.1/2003, dated 18-05-2015.
09. Govt. Memo.No.1228/Estt.A2/2015-1, dated 31-08-2015.
10. From the Director, W.D & C.W., A.P., Lr.No.6131/Vig.1/2003, dated 12-10-2015.
11. Govt. Memo.No.1228/Estt.A2/2015-2, dated 12-02-2016.
12. From Joint Secretary to Hon'ble C.M. C.M.O's Office, Amaravati, CMP No.2900/JS/2016, dated 31-08-2016.

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ORDER: -

The Director, W.D & C.W., A.P., vide letter 8th read above, has informed the Government that, based on the preliminary enquiry report of R.D.D., W.D. & C.W., Kurnool, vide reference 1st read above, articles of charges were framed under Rule – 20 of A.P.C.S (CC&A) Rules, 1991, in respect of Smt.D.Bharathi, CDPO, ICDS Project, Karvetinagar, Chittoor District, by the then Director, W.D.& C.W., on 18.11.2003. Since the Written Statement of Defence dated 09-12-2013 submitted by the Charged Officer vide reference 3rd read above, was not convincing, the R.D.D., W.D & C.W., Kurnool, vide reference 4th read above, was appointed as the inquiry Officer and P.D, D.W & C.D.A., Chittoor as the Presenting Officer under sub - rule 2 of Rule 20 of A.P.C.S (C.C & A) Rules 1991 to enquire into the charges framed against the said Charged Officer. The Enquiry Officer has submitted the enquiry report vide reference 5th read above, concluding that the charges are held proved. The Director, W.D & C.W., has further informed that, the Charged Officer i.e., Smt.D.Bharathi, CDPO, ICDS Project, Karvetinagar, Chittoor, has retired from service on 31.12.2012 and demised on 08.03.2013. Hence, the charges remain abated.

2. The Director, W.D & C.W., A.P., while enclosing a tabular statement consisting of charges; explanation to the Show Cause Notice; findings of the Enquiry Officer along with remarks of the Director, W.D & C.W., has requested the Government to finalize the disciplinary case initiated against the Charged Officer, so as to enable to release the pensionery benefits to her legal heirs in terms of rules in force, duly deducting the misappropriated amount.

3. According to Rule 9(7) of A.P. Revised Pension Rules, 1980 "Even though a Government servant has retired from service and was not before his retirement charge sheeted or called upon to explain why a pecuniary loss caused to the Government (or a local authority) due to his negligence, while he was in service,

should not be recovered from him, the Government if they are satisfied that the loss is due to him, shall recoup the pecuniary loss besides all Government dues (or local authority dues) from the Retirement Gratuity. For this purpose, it shall not be necessary to get the consent of the Government servant or the consent of the members of his family in the case of a deceased Government servant, as the case may be. In such cases, it shall be indicated in the sanction clearly the amount of Retirement Gratuity admissible, a stated amount which shall be deducted from the Retirement Gratuity on account of Government dues or local authority dues or loss sustained by the Government servant due to negligence and the net amount of Retirement Gratuity payable to the retired Government servant.

4. According to Rule 9 (7) (a) of the above Rules "When a Government servant dies before conclusion of the disciplinary proceedings, generally death abates all further proceedings. As such, when Government servant dies before conclusion of the disciplinary proceedings, the proceedings under rule 9 of the Andhra Pradesh Revised Pension Rules 1980 also abates. If any loss caused or misappropriated the Government amount by the deceased Government servant is established, in such cases, the disciplinary proceedings will not automatically abate and it is open to the Government to bring the legal representatives on record and conclude disciplinary proceedings for the purpose of recovery of the same." Provided that the Consultation with the Andhra Pradesh Public Service Commission shall not be necessary for taking action under this sub-rule.

5. In the circumstances stated above, Government after careful consideration of the matter, hereby concluded the disciplinary proceedings initiated against Late Smt. D.Bharathi, former CDPO, ICDS Project, Karvetinagar, Chittoor and retired on 31-12-2012 by abating all the charges of financial and administrative irregularities, as she died on 08-03-2013 subject to recovery of Rs.2,66,768/- of mis-appropriated Government funds from the terminal benefits to be released to the legal heirs of the deceased public servant under Rule – 9 (7) (a) of A.P.R.P.Rules, 1980 read with G.O.Ms.No.995, Fin. (Pen.I) Dept. dt.21-02-2002, subject to production of 'Legal Heir Certificate' issued by the competent authority

6. The Spl. Commissioner, W.D & C.W., A.P., Guntur, is requested to take necessary further action in the matter, accordingly.

[BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH]

G.JAYALAKSHMI,
SECRETARY TO GOVERNMENT.

To
The Spl. Commissioner, W.D & C.W., A.P., Guntur.
The Accountant – General, A.P., Hyderabad.
The Director of Treasuries and Accounts, A.P., Dr.No.7-57, Sri Anjaneya Towers, VTPS, Ibrahimpatnam, VIJAYAWADA – 521 456.
Copy to: -
The P.S to Joint Secretary to Hon'ble C.M., C.M.O's Office, A.P.Secretariat, Velagapudi, Thullur Mandal, Guntur District.
SF / SCs.

// FORWARDED :: BY ORDER //

SECTION OFFICER